

Federal Communications Commission

§ 21.904

(Graphics must be either hard copy or PDF format) Applicants serving such demonstrations and certifications on other applicants and/or licensees should do so using the same format(s) and media as used in their submission to the Commission's Reference Room.

[44 FR 60534, Oct. 19, 1979, as amended at 48 FR 33901, July 26, 1983; 49 FR 25479, June 21, 1984; 52 FR 27556, July 22, 1987; 55 FR 46010, Oct. 31, 1990; 56 FR 57598, Nov. 13, 1991; 56 FR 57818, Nov. 14, 1991; 56 FR 65191, Dec. 16, 1991; 58 FR 11798, Mar. 1, 1993; 58 FR 44895, Aug. 25, 1993; 60 FR 36553, July 17, 1995; 60 FR 36739, July 18, 1995; 60 FR 57367, Nov. 15, 1995; 61 FR 18098, Apr. 24, 1996; 61 FR 26676, May 28, 1996; 63 FR 65102, Nov. 25, 1998; 64 FR 63731, Nov. 22, 1999; 65 FR 46617, July 31, 2000]

EFFECTIVE DATE NOTE: At 65 FR 46617, July 31, 2000, § 21.902 was amended by adding paragraph (m). This paragraph contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 21.903 Purpose and permissible service.

(a) Multipoint Distribution Service channels are available for transmissions from MDS stations and associated MDS signal booster stations to receive locations, and from MDS response stations to response station hubs. When service is provided on a common carrier basis, subscriber supplied information is transmitted to points designated by the subscriber. When service is provided on a non-common carrier basis, transmissions may include information originated by persons other than the licensee, licensee-manipulated information supplied by other persons, or information originated by the licensee. Point-to-point radio return links from a subscriber's location to a MDS operator's facilities may also be authorized in the 18,580 through 18,820 MHz and 18,920 through 19,160 MHz bands. Rules governing such operation are contained in subpart I of part 101 of this chapter, the Point-to-Point Microwave Radio Service.

(b) Unless otherwise directed or conditioned in the applicable instrument of authorization, Multipoint Distribution Service stations may render any kind of communications service consistent with the Commission's rules on

a common carrier or on a non-common carrier basis, *Provided That*:

(1) Unless service is rendered on a non-common carrier basis, the common carrier controls the operation of all receiving facilities (e.g., including any equipment necessary to convert the signal to a standard television channel, but excluding the television receiver); and

(2) Unless service is rendered on a non-common carrier basis, the common carrier's tariff allows the subscriber the option of owning the receiving equipment (except for the decoder) so long as:

(i) The customer provides the type of equipment as specified in the tariff;

(ii) Such equipment is in suitable condition for the rendition of satisfactory service; and

(iii) Such equipment is installed, maintained, and operated pursuant to the common carrier's instructions and control.

(c) The carrier's tariff shall fully describe the parameters of the service to be provided, including the degree of privacy of communications a subscriber can expect in ordinary service. If the ordinary service does not provide for complete security of transmission, the tariff shall make provision for service with such added protection upon request.

(d) An MDS licensee also may alternate, without further authorization required, between rendering service on a common carrier and non-common carrier basis, provided that the licensee notifies the Commission of any service status changes at least 30 days in advance of such changes. The notification shall state whether there is any affiliation or relationship to any intended or likely subscriber or program originator.

[44 FR 60534, Oct. 19, 1979, as amended at 52 FR 27556, July 22, 1987; 61 FR 26676, May 28, 1996; 63 FR 65103, Nov. 25, 1998; 64 FR 4054, Jan. 27, 1999; 64 FR 63732, Nov. 22, 1999]

§ 21.904 EIRP limitations.

(a) The maximum EIRP of a main or booster station shall not exceed 33 dBW + 10log(X/6) dBW, where X is the actual bandwidth if other than 6 MHz, except as provided in paragraph (b) of this section.